

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION

AMERICAN HUNTING INNOVATIONS,
L.L.C. a/k/a RDT ARCHERY & a/k/a
KEMPF CROSSBOWS; J & S R.D.T.
ARCHERY, INC.; and JAMES J. KEMPF,
an individual,

Plaintiffs,

v.

SAVAGE SPORTS CORPORATION;
EXTREME TECHNOLOGIES, INC.; and
EXTREME TECHNOLOGIES, INC. d/b/a
BOWTECH,

Defendants.

Case No. 3:12-cv-00096-HDV-RAW

**DEFENDANTS' SUPPLEMENTAL
MEMORANDUM REGARDING
CLAIM CONSTRUCTION**

Defendants (collectively “Bowtech”) present this Supplemental Memorandum in support of their claim construction of the terms “first string guide” and “second string guide.” At the July 9, 2013 Markman hearing, the Court appeared to express agreement with plaintiffs’ (collectively “Kempf’s”) position that “cam” and “pulley” are used in the narrower claims and therefore might not be appropriate to be used in the construction of “string guide” in the broader claims. The undersigned therefore suggested that the phrase “rotatable member” might be used, as the terms “cam” and “pulley” are not critical to the case. The Court then asked if adding the term “rotatable” might be considered redundant to the other terms in the claim, such as the means for journaling, which required the string guides to be rotatably mounted. The undersigned responded that redundancy was not a problem because

the Court would be using the entire claim language to construe the phrase “string guide.”

In considering this matter further, Bowtech realized that this redundancy issue can be avoided by simply substituting “member” or perhaps more appropriately “guide” since that term is used throughout the patent, for “cam or pulley,” because the rotatability function and structure is already dictated by the “means for journaling” and is implicit in the phrase “as it is taken up or let out.” Bowtech’s revised proposed construction of “first string guide” is therefore simply: “a first guide for guiding a string as it is taken up and let out when an arrow is drawn back for shooting and released.” Bowtech’s revised proposed construction of “second string guide” is: “a second guide for guiding a string as it is taken up and let out when an arrow is drawn back for shooting and released.”

Dated this 10th day of July, 2013.

SCHWABE, WILLIAMSON & WYATT, P.C.

By: /s/Peter E. Heuser

Peter E. Heuser, *pro hac vice*

Kimvi T. To, *pro hac vice*

SCHWABE, WILLIAMSON & WYATT, PC

1211 SW 5th Avenue, Suite 1600

Portland, Oregon 97204

Telephone: 503-222-9981

Facsimile: 503-796-2900

pheuser@schwabe.com

kto@schwabe.com

Martha Shaff

Betty, Neuman & McMahon PLC

111 East Third Street, Suite 600

Davenport, IA 52801

Telephone: 563-326-4491

Facsimile: 563-326-4498

mls@bettylawfirm.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2013 I served this document to the following via the court's CM/ECF system:

J. Campbell Helton
Matthew D. Giles
WHITFIELD & EDDY, PLC
317 Sixth Avenue, Suite 1200
Des Moines, Iowa 50309-4195
helton@whitfieldlaw.com;
giles@whitfieldlaw.com

Brett J. Trout
Law Offices of Brett J. Trout
516 Walnut Street
Des Moines, Iowa 50309
trout@bretttrout.com

Attorneys for Plaintiffs

By: /s/Peter E. Heuser
Peter E. Heuser